

Appn. Nr. 10/817,010 (Nugent) AU 3618 Amnt. D contd. 6

**Remarks—General**

Applicant has rewritten and narrowed both independent claims. Specifically, he relied previously upon the size comparison "substantially less" to differentiate a major component of his invention from the physical structure of the combination cited against it. The evident inadequacy of that comparison, coupled with applicant's failure to particularly point out and distinctly claim the subject matter he regards as the invention, has resulted in rejection.

Applicant now restricts both claims severely, to "less than approximately half the length and less than approximately half the width" of that major component. The effect of this combined restriction is to reduce the working area of the ledges to about one-fourth of that formerly defined, a drastic reduction.

Previous claim elements relating to container access have been eliminated.

It is submitted that thus we have finally achieved both distinct clarity and important structural differentiation.

Our strongest argument for unobviousness, we submit, is the fact that in all the preceding decades of carts, none has ever offered anything structurally resembling our small-shelf, quick-access, quick-release, low-effort, container stacking.

Appn. Nr. 10/817,010 (Nugent) AU 3618 Amnt. D contd. 7

### Supplemental Information Disclosure

The closest cart we have discovered to date, a two-basket model now in use at a Staples office supply store in Manhattan, is detailed in a supplemental information disclosure statement, attached to this Amendment, accompanied by the statement specified in 37CFR 1.97(e).

This cart lacks the small-area fulcrum/pivot ledges at the heart of applicant's invention. Furthermore, even if those ledges were substituted here, the upper-basket lock is not capable of the effortless release our cart provides, sparing the user from lifting the basket's full weight.

Very respectfully,



### Certificate of Facsimile Transmission

I certify that on the date below I will fax this paper to:  
Commissioner for Patents, U.S. Patent & Trademark Office, Alexandria, VA  
at 571-273-8300.  
2006 August 01.



PTO/SB/058A

Approved for use through 07/31/2006. OMB 0651-0295.  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Complete if Known

Substitute for form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

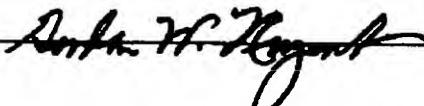
Sheet

of

Application Number	10/817,010
Filing Date	2004 April 03
First Named Inventor	Nugent, Gordon Walker
Art Unit	3618
Examiner Name	Frank Bennett Vanaman

Attorney Docket Number

### NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
		Shopping cart Model Number 059 shown on United Steel & Wire Company internet website July 31, 2006 at
		<a href="http://www.unitedsteelandwire.com/Carts-Plastic.asp">http://www.unitedsteelandwire.com/Carts-Plastic.asp</a>
		I hereby certify that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the best of my knowledge after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.
		
		This is a Supplemental Information Disclosure. Two previous disclosures have been filed in support of this application, on 2004 April 03 and 2005 September 29.

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Form 10-6B: Information Disclosure Statement